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OFFICE OF PETITIONS

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RESEARCH TRIANGLE PARK, NC 27709

In re Application of
John L. Mitchell, et al.
Application No. 10/063,424
Filed: April 23, 2002
Attorney Docket No. BLD902005US2

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed November 27, 2006.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of David W. Victor appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. If Mr. Victor desires to receive future correspondence regarding this application, then the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 20, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed June 20, 2006. Accordingly, the date of abandonment of this application is September 21, 2006. A Notice of Abandonment was mailed on November 8, 2006. In response, on November 27, 2006, the present petition was filed.

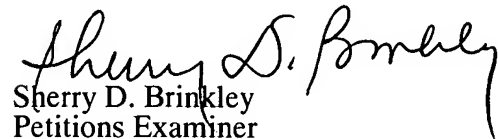
The petition satisfies the requirements of 37 CFR 1.137(b) in that the petitioner has supplied (1) a copy of the required reply; (2) the petition fee of \$1500; and (3) an adequate statement of unintentional delay¹.

Accordingly, the petition is GRANTED.

The application is being referred to the Office of Publications to be processed into a patent.

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: DAVID W, VICTOR
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